

if that school teacher or that school custodian brings that problem to the school board for resolution, that problem will probably stop at the school board because that school teacher or that school custodian really will not want to then engage in the transactional cost involved to have that problem litigated. So that would probably be an instance when a school custodian or a school teacher would simply decide to eat his or her rights because the price of having litigation is too high. On the other hand, if we have an arbitration system in place and if arbitration is in the contract between the teacher or the custodian and the school board, then when that problem arose that school teacher or that school custodian might decide to invoke the arbitration powers, might decide to do that. And a school board simply doesn't like the lowering, in a sense, of the transactional cost for the vindication of rights and for that reason the school board is in opposition to these kind of measures. You might as well be in opposition then to a small claims court. You might as well be in opposition to anything that is designed to provide the people the ability to ventilate their differences and to resolve disputes over what they perceive to be their rights. I listened to Senator DeCamp this morning liken this process to submitting legislation to arbitration. Legislation represents a competition of values best resolved in a political arena and he who is weak will lose in that political arena and he who is strong will win in the political arena. Arbitration represents the resolution of differences regarding the application of the law and the application of contract terms, two facts. There was always an over arching principle, the law, or the contract provisions that represents the touch stone for the arbitrators to work from. So it is not, it is not a competition of values. It is not a competition between the weak and the strong as the political arena is, it is simply a determination by the arbitrators that under this set of facts and these operating legal principles and contract terms, this kind of resolution should occur.

SPEAKER NICHOL: Half a minute.

SENATOR V. JOHNSON: It's like going to court, but it is a lot less expensive. It is more specialized. It is less time consuming, and, you know, it really doesn't take away from school boards any of their prerogatives or rights because they have the prerogative and right to agree to arbitration in contract and they also have the prerogative